

**Board
of
Law
Examiners**

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Legal Authorization:

Pa. Constitution Article V, § 10(c)
Pa.B.A.R. 104 (c) (3)

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History/Background

The Pennsylvania Board of Law Examiners holds the responsibility for recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications, both for those wishing to sit for the bar examination and for those practicing attorneys from other states seeking admittance to the bar without sitting for the exam; administering the bar exam itself; and recommending rules pertaining to admission to the bar and the practice of law.

Seven members of the Pennsylvania Bar of the Supreme Court comprise the Board of Law Examiners. They serve regular terms of three years each and may be reappointed to second terms.

Board office staff includes the executive director, counsel to the board/supervising law examiner, an executive assistant and six administrative support staff. The board also employs eight examiners, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 16 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are employed temporarily to assist in the administration of the bar exam.

Bar Procedures

The Board of Law Examiners administers Pennsylvania's bar exam over two days twice a year, on the last Tuesdays and Wednesdays in February and July. In February the exam is held in King of Prussia and Pittsburgh. In July it is held in King of Prussia, Pittsburgh and Mechanicsburg.

The exam comprises two parts, an essay section, which is administered the first day, and the multiple choice Multistate Bar Examination (MBE), which is administered the second day.

The essay portion of the exam consists of eight questions developed by the examiners and approved by the board. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The MBE is a national exam, prepared by the National Conference of Bar Examiners (NCBE) in conjunction with American College Testing. Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

To pass the bar exam, applicants must receive a scaled score of at least 130 on the MBE, at least 135 on the essay section and at least 270 on both sections combined. In addition, applicants must also score at least 75 on the Multistate Professional Responsibility Examination (MPRE).

The MPRE is a standardized test used to demonstrate an applicant's knowledge of the professional responsibility and ethical obligations of the legal profession. Applicants may take it at any point during law school or their legal career prior to taking the bar exam. Indeed, they are encouraged to take it while in law school, shortly after they have completed a course on professional responsibility or ethics. They do, however, have up to six months after sitting for the bar exam to take it.

If an applicant is not successful on the MPRE within six months from the date results are released for the bar exam for which he/she sat, he/she will be required to submit to the board an Application for Supplemental Statement and for Character and Fitness as required under Pa.B.A.R. 231. This supplemental application process requires a character and fitness review and may take up to six months or longer to complete.

If an applicant is not successful on the MPRE within three years of the date his/her successful bar exam results were released, he/she must reapply for permission to sit for the

bar exam, successfully retake the exam and meet all of the requirements at that time.

Grading the Bar Exam

At the conclusion of each bar exam, board staff send copies of the essay questions, the examiners' proposed analyses and the grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible.

The final draft of each question and analysis is forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

The MBE is graded by American College Testing.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at www.pabarexam.org or on the Unified Judicial System's home page at www.courts.state.pa.us.

Application Approval/Denial and Hearing Process

In addition to passing the bar exam, prospective members of the bar of Pennsylvania must meet certain requirements relating to character and prior conduct. To aid the board in determining whether applicants have met such requirements, a candidate must file with the board office a written application setting forth

those matters the board deems necessary. This includes background information pertaining to character, education and employment. Board office staff then review the applications, occasionally investigating further, to determine an applicant's fitness and qualifications.

If, upon initial review, the board's executive director finds that the applicant does not appear to possess the fitness and general qualifications requisite for a member of the bar, the applicant is notified in writing. Unless the denial was for scholastic reasons, the applicant then has 30 days to request a hearing appealing the denial. Present at the hearing are the applicant; the applicant's counsel, if he/she has retained counsel; and a board member who serves as the hearing officer. A stenographer is also present to record the hearing.

The length of each hearing varies, depending on the issues set forth; the number of issues involved; and the number of witnesses, if any, that testify. Only one applicant is considered at a hearing, and only applicants who are denied permission to sit for a bar examination or certification recommending admission, may request one.

Approximately 33 hearings were held in 2000.

2000 Activities

Office staff processed approximately 2,600 applications for permission to sit for the bar exam and approximately 150 applications for admission on motion and for character and fitness determination.

Statistics for 2000, including a comparison with 1999's figures, can be found in Table 3.2.1 on page 34. Chart 3.2.2 on page 36 details the percentage of those passing the bar since 1991 while Chart 3.2.3 on page 37 is a comparison of the number of persons who have sat for the exam versus the number who have passed it over the past ten years.

The board met eight times in 2000 to review bar admission rules and recommend specific rule changes, review proposed essay questions and analyses, approve examination results, and set policy. It also held two semi-annual meetings, one following each of the two bar examinations, to review the essay exam questions, analyses and proposed grading guidelines.

Grading Standards

The board conducted a comprehensive review of the pass/fail standards for the Pennsylvania bar exam in 2000 to ensure that the standards continue to accurately reflect the level of minimum competency necessary to practice law.

In January it held a review session conducted by Dr. Stephen Klein, the board’s psychometric consultant. The purpose of the session was to obtain independent input on how well an applicant should perform on the bar examination in order to demonstrate the minimum competency required to be admitted to practice law. To properly evaluate the board’s standards, the board selected 50 practicing attorneys, judges and law professors to contribute their knowledge and experience.

Following this review two changes were made to the bar examination process:

- effective with the July 2001 exam, separate passing scores for the essay and MBE portions of the exam will no longer be required. Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55% and the MBE portion weighted 45%. In addition, the essay portion will be reduced to six questions.
- also effective with the July 2001 exam, the Supreme Court is requiring the Multistate

Performance Test (MPT) as a component of the essay portion of the exam. The MPT is prepared by the NCBE and is designed to test an applicant’s ability to use fundamental lawyering skills in situations that are comparable to those encountered in the practice of law.

Admission applications	approx. 2,600	
Sitting for February exam		708
Change from 1999	51	7.76%
Persons passing February exam		371
Persons failing February exam		337
Passing Percentage		52%
1999 Passing Percentage		55%
Sitting for July exam		1,867
Change from 1999	(16)	(0.85%)
Persons passing July exam		1,305
Persons failing July exam		562
Passing percentage		70%
1999 Passing Percentage		70%

Table 3.2.1

Some of the tasks an applicant might be required to complete in responding to a question on the MPT include preparing or writing a memorandum to a supervising attorney, a letter to a client, a persuasive memorandum or brief, a statement of facts, a contract provision, a will, a counseling plan, a proposal for settlement, an agreement, a discovery plan, a witness examination plan or a closing argument.

One MPT question will be given in place of two of the eight Pennsylvania essay questions previously used. The MPT score will be weighted at one and a half times one essay question and combined with the scores for the remaining six essay questions

Applicants will have 90 minutes to complete one MPT question.

Board Recommendations

The board made the following recommendations to the Supreme Court in 2000:

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 203 regarding the **new passing standards** as described in the previous section.

Recommendation No. 2: Proposed amendment to Pa.B.A.R. 204, regarding the **admission of domestic attorneys**. The amendment allows for admission on motion if an applicant has

- provided legal services as an attorney for the federal government regardless of the location of the services, or
- served full time as a law clerk to a judge of any court of the United States or of any state or territory of the United States regardless of the location of the service;

provided the applicant had at some time been engaged in the practice of law in reciprocal jurisdictions for at least five years or for a substantial portion of the five-out-of-seven-year period immediately preceding the application.

Recommendation No. 3: Proposed amendment to Pa.B.A.R. 402, regarding **confidentiality**. The proposed amendment permits the release of names only of successful applicants of the bar examination and prohibits the release of addresses of successful applicants.

All three amendments were approved by the Court.

Filing Fees

The filing fees charged for processing applications in 2000 are as follows:


- \$450 first-time filing fee
- \$600 late first filing fee
- \$900 second late filing fee
- \$1,300 final filing fee
- \$850 for admission on motion.

Looking Ahead to 2001

The Pennsylvania Supreme Court and its agencies, the Continuing Legal Education Board, the Disciplinary Board, and the Board of Law Examiners, have developed a program to “bridge the gap” between law school and the practice of law. The objective of the program is to provide newly admitted attorneys the information and resources necessary to practice law competently within the boundaries of the Pennsylvania legal system.

The program, which will be open to law school students in their last year of law school and to law school graduates, will be conducted in an eight-hour, one-day format at no cost to applicants. It will be held on scheduled Saturdays in the spring and fall, at or near Pennsylvania law schools and will be required for all applicants seeking admission to the bar of the Commonwealth of Pennsylvania under Pa.B.A.R. 203 and 205. It will be offered for the first time in the spring of 2001. For more information on the Bridge-the-Gap Program, see the Disciplinary Board on page 70.

Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact the board office by calling (717) 795-7270 or by writing to 5070 Ritter Road, Suite 300; Mechanicsburg, PA 17055. 

Pennsylvania Bar Exam Passing Percentages

1991-2000

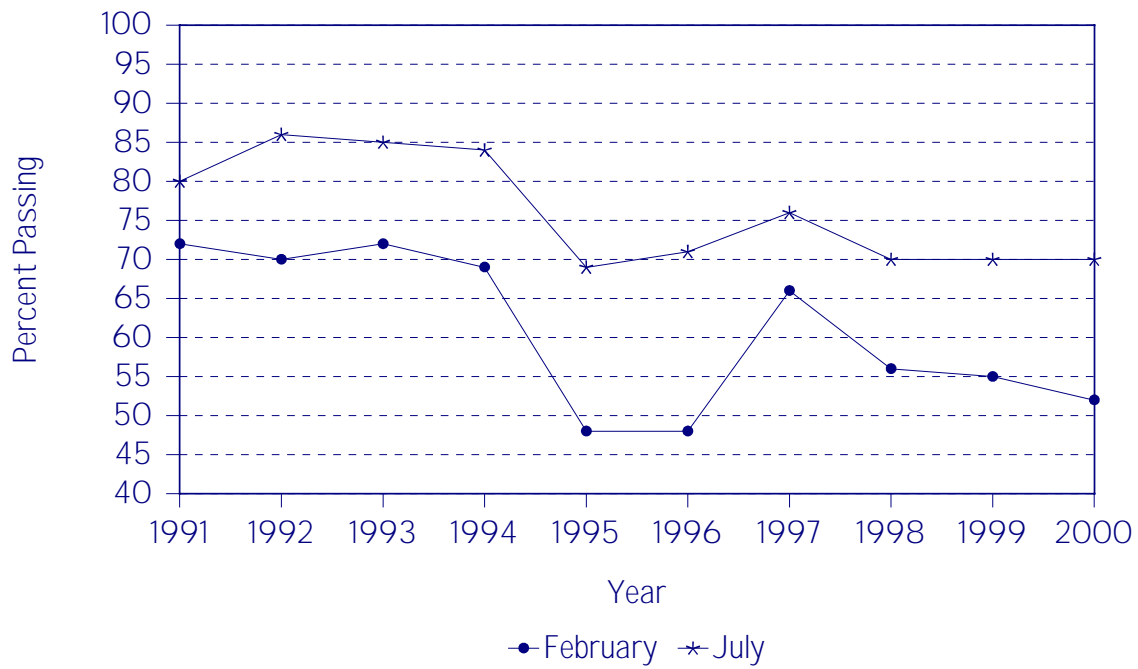


Table 3.2.2

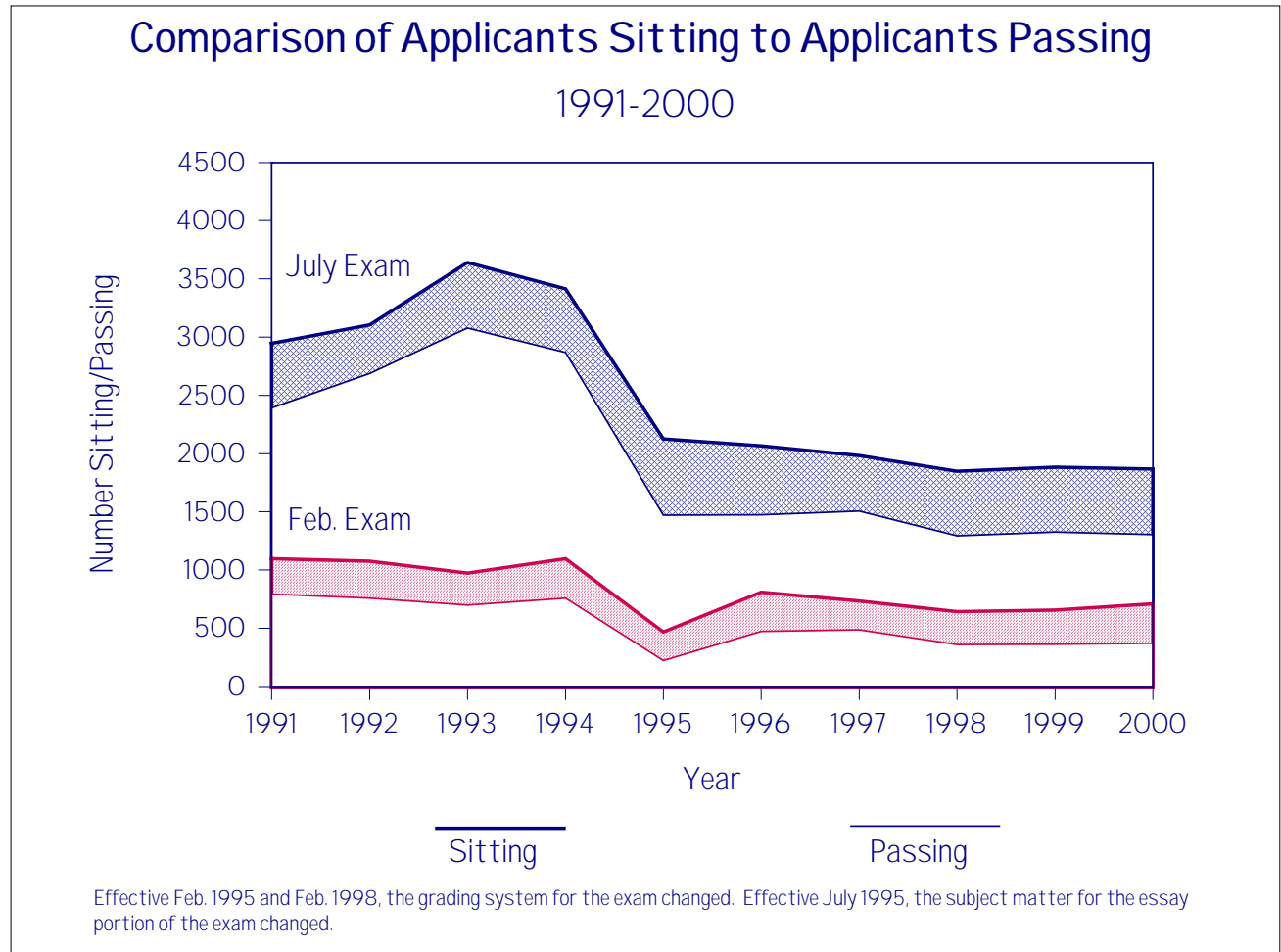


Table 3.2.3